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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Allen Lepine  
Serial No. : 09/163,778  
Filed : September 30, 1998  
Title : CANINE MILK SUBSTITUTE  
Docket : IAM 498 PA  
Examiner : P. Dubois  
Art Unit : 1761



Assistant Commissioner for  
Patents  
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING  
I hereby certify that this correspondence is  
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Susan M. Juna  
Agent Reg. No. 38,769

RESPONSE TO OFFICE ACTION

This paper is being filed in response to the Office Action mailed December 28, 1999.  
Reconsideration and reexamination are respectfully requested in light of the terminal disclaimer  
submitted herewith and the remarks below.

REMARKS

In the latest Office Action, the Examiner maintained the rejection of claims 1, 3-5 and 9  
under 35 U.S.C. §103(a) as being unpatentable over Oftedal, "Lactation in the Dog: Milk  
Composition and Intake by Puppies", *J. Nutr.* in view of Kakade, U.S. Patent No. 4,614,653.  
The Examiner acknowledges that Oftedal is silent as to the specific type of proteins used in the  
disclosed milk substitute, but maintains that because Kakade teaches the addition of casein and  
whey to a milk product, "it would have been obvious to one of ordinary skill in the art to  
optimize the ratio of the protein mix". However, as previously pointed out, neither Kakade nor  
Oftedal provide any teaching or suggestion which would motivate one skilled in the art to  
provide a milk substitute for **canines** having the claimed protein levels. Kakade is concerned  
with providing a general milk replacer for monogastric animals, (presumably farm animals; see  
col. 1, lines 14-21) which can be readily diluted to a solids content which approximates that of

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